United Nations

Report of the Committee on Relations with the Host Country

General Assembly
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Fifty-fourth Session
Supplement No. 26 (A/54/26)

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Note

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I. Introduction

1. The Committee on Relations with the Host Country was established pursuant to General Assembly resolution 2819 (XXVI) on 15 December 1971. The Assembly, by its resolution 53/104 of 8 December 1998, requested the Committee to continue its work in conformity with resolution 2819 (XXVI) and decided to include in the provisional agenda of its fifty-fourth session the item entitled "Report of the Committee on Relations with the Host Country". The present report is submitted pursuant to resolution 53/104.

2. The report is composed of four sections. The conclusions and recommendations of the Committee are contained in section IV.

II. Membership, composition, terms of reference and organization of the work of the Committee

3. In its resolution 53/104, the General Assembly endorsed the recommendation of the Committee that its membership be increased by four members, including one each from African, Asian, Latin American and Caribbean, and Eastern European States, to be chosen by the President of the General Assembly. By its decisions 53/322 of 18 February 1999 and 54/311 of 4 November 1999, the Assembly took note of the appointment by the President of the General Assembly, following consultations with the regional groups, of the four new members of the Committee, namely, Cuba, Hungary, Libyan Arab Jamahiriya and Malaysia. The Committee is therefore composed of 19 members, as follows:

Bulgaria	Iraq
Canada	Libyan Arab Jamahiriya
China	Malaysia
Costa Rica	Mali
Côte d'Ivoire	Russian Federation
Cuba	Senegal
Cyprus	Spain
France	United Kingdom of Great Britain and Northern Ireland
Honduras	
Hungary	United States of America

4. During the reporting period, Sotirios Zackheos (Cyprus) continued to serve as Chairman. The representatives of Bulgaria, Canada and Côte d'Ivoire served as Vice-Chairmen, and Emilia Castro de Barish (Costa Rica) as Rapporteur.

5. The terms of reference of the Committee were determined by the General Assembly in its resolution 2819 (XXVI). In May 1992, the Committee adopted, and in March 1994 slightly modified, a detailed list of topics for its consideration, which is set out in annex I to the present report.

6. During the period under review, the Committee held the following meetings: the 195th, on 18 November 1998; the 196th, on 10 March 1999; the 197th, on 13 May 1999; the 198th, on 15 September 1999; the 199th on 27 October 1999; and the 200th meeting, on 5 November 1999.

7. The Bureau of the Committee consists of the Chairman, the three Vice-Chairmen, the Rapporteur and a representative of the host country who attends Bureau meetings ex officio. The Bureau is charged with the consideration of topics before the Committee, with the exception of the question of the security of missions and the safety of their personnel, which the Committee keeps under permanent review in plenary meeting. The Bureau held two meetings, on 3 February and 5 May 1999. Among other issues, the Bureau considered the composition and membership of the Committee and the organizational issues relating to the work of the Committee.

8. The Working Group on the use of diplomatic motor vehicles, parking and related matters, established at the 181st meeting, held no meetings during the reporting period since there were no new developments in that area. The Committee did not appoint a new officer to assume the chairmanship of that body.

9. The Working Group on indebtedness, whose mandate is to consider all the aspects of the problem, also did not hold meetings during the reporting period. The Committee did not appoint a new officer to head that body.

10. On 13 May 1999, under the auspices of the Committee and in close cooperation with the host country mission, the President of the American Heart Association, Dr. Valentine Fuster, addressed the United Nations diplomatic community on heart-related physical problems and stress. As proposed by the New York City Commission for the United Nations, Consular Corps and Protocol, supported by the host country mission and the Bureau and endorsed by the Committee at the end of November or beginning of December 1999, a meeting will also be organized at which the representatives of the New York City Police Department will make a presentation on the theme "Safety tips for the diplomatic community".

III. Topics dealt with by the Committee

A. Security of missions and safety of their personnel

11. At the 195th meeting, on 18 November 1998, the representative of Costa Rica observed that the security measures adopted during the general debate at the fifty-third session of the General Assembly had been excessive and at times insulting to certain dignitaries participating therein. Members of the Permanent Mission of Costa Rica had in some instances been verbally abused by the police. While she was aware of the tensions between the police and the diplomatic community, which were compounded by distorted reporting in the local press, she expressed the hope that the police force would observe the minimum norms of respect for the diplomatic community. As an example of difficulties encountered during the general debate, she noted that the Minister for Foreign Affairs of Costa Rica had had to use the garage entrance rather than a main entrance to the Headquarters district in order to leave for a meeting. She also expressed the hope that during the next general debate police security measures would not adversely impact delegations. Meanwhile, special training courses could be envisaged for police officers, teaching them how to deal with members of the diplomatic community. She also expressed dissatisfaction over the constant change in parking regulations for diplomats, which were made with no prior notice. Such actions had led to a large number of traffic tickets being issued. Certain measures could be taken to alleviate the parking problem without reducing the number of parking spaces previously made available for missions accredited to the United Nations.

12. The representative of the Russian Federation recalled that a paper contained in the annex to a letter dated 19 October 1998 from the Permanent Representative of the Russian Federation addressed to the Chairman of the Committee (A/AC.154/320) had expressed the understanding of the Russian Federation of the "special circumstances" which had compelled the competent authorities of the host country to take heightened security measures during the general debate at the fifty-third session of the General Assembly when a number of heads of State and Government were present at United Nations Headquarters. There was, however, some lack of coordination between the actions of the protocol services and the Security and Safety Service of the United Nations, on the one hand, and the host country security authorities on the other. As a result, members of the Russian delegation and officials of the Mission, including the Permanent Representative, had experienced difficulties in gaining access to the United Nations Headquarters building and had encountered traffic difficulties in the area. On several occasions during the period from 21 to 22 September, the Permanent Representative, travelling in an official car, had been refused unimpeded access to the United Nations complex at the 43rd Street gate because the police had not been aware of the traffic and security arrangements set out in Note No. HC-32-98 circulated by the United States Mission to all missions accredited to the United Nations. Only after prolonged explanations and the production of a copy of the note of the United States Mission had the Permanent Representative been permitted access to the Headquarters district.

13. The lack of coordination between the security services of the host country and the Security and Safety Service of the United Nations was manifested in the frequent and unwarranted checks of diplomats and other members of delegations, including checks within United Nations Headquarters using security dogs and metal detectors. The representative of the Russian Federation emphasized that, by raising those issues, he did not intend to get involved in a discussion of the methods of ensuring diplomatic security but rather to promote and encourage the preparations for high-level activities and help to avoid unjustified organizational difficulties. The Committee should consider measures aimed at improving cooperation with the host country authorities and make appropriate recommendations. The security of the United Nations should be ensured without affecting its work. It was unclear to whom diplomats should turn in the case of misunderstandings. It was important that the relevant information in this regard should be brought to the attention of the Committee and to all missions, in due course.

14. The representative of Costa Rica shared the view of the Russian Federation and recalled that her delegation had raised those points before the Fifth (Administrative and Budgetary) Committee of the General Assembly. The explanations offered at that time by the Security and Safety Service of the United Nations were not satisfactory. She stated that, within the Headquarters district, security measures should be for the convenience of delegations and missions.

15. The representative of the United States of America took issue with the statements that the security arrangements were excessive. Decisions relating to security at the Headquarters complex were made by the Secretary-General and handed down through the Chief of the Security and Safety Service of the United Nations, and the Chief would undoubtedly be in a position to discuss those decisions with the Committee. He emphasized that, while security at the

United Nations was within the purview of the Organization, the United Nations had in fact requested the host country law-enforcement agencies to use their security expertise to assist it. He rejected the view that, in taking those security measures, the United States had contravened the 1947 Headquarters Agreement or the 1961 Vienna Convention on Diplomatic Relations. He recalled that similar security measures had been taken during the commemoration of the fiftieth anniversary of the Organization. While the host country had been taking the necessary security measures regarding the United Nations for the past 50 years, the situation in 1998 was unprecedented because security considerations had necessitated closing streets leading to the Headquarters complex to traffic for 10 days. That nothing had occurred meant that the end had justified the means. United States security officials were generally trained to handle those types of situations. The representative recalled a meeting he had attended at the United Nations Office at Geneva where delegates had had to pass through metal detectors. At that time, there had not been any complaints from delegations. The United States delegation, however, noted that the security arrangements had not gone as smoothly as had been wished. His Mission would review the arrangements at a planned meeting of all the security and safety agencies involved in order to ensure that there were no lapses in the future. He added that the Committee was not the proper forum for the discussion of complaints about security measures taken inside the Headquarters complex. Such complaints should be addressed to the Legal Counsel of the United Nations.

16. With regard to the alleged indignities suffered by some foreign ministers during the period in question, he observed that the host country could not respond to generalities but required specific information about alleged incidents. In addition, he informed the Committee that certain high-level United States officials, including senators, had been held up for several minutes at checkpoints. He explained that only vehicles that were secured could enter the complex at 43rd Street. That had created a problem that the host country was attempting to solve, since not all delegations were protected by host country law-enforcement agencies. The host country had already called together representatives of relevant agencies to discuss how better to handle security arrangements for 1999. Those meetings would continue in an effort to ensure that there were no recurrences of the problems of 1998. Personnel of the New York City Police Department had been generally courteous to delegations and any complaints should be directed to his office at the United States Mission.

17. The representative of the Russian Federation reiterated that there should have been proper arrangements to ensure that information regarding the security measures was conveyed to all missions in a timely fashion. His delegation was grateful to the host country and to the Secretary-General for the high-level security arrangements that had been made, although it had not expected them to be taken to such absurd lengths. His Government objected to delegations being required to go through metal detectors. He called for concrete recommendations to ensure that those situations did not occur in the future. Missions should also be provided with information on how security arrangements were to be coordinated between the host country and the Security and Safety Service of the United Nations. He appealed to the host country to provide the Committee with information on the coordination of security arrangements in future.

18. The Chief of the Security and Safety Service of the United Nations informed the Committee of the substance of a letter from the Assistant Secretary-General, Office of Central Support Services, addressed to missions accredited to the Organization. The purpose of promulgating the access arrangements described in the letters from the Russian Federation and the United States was to ensure that staff members, members of delegations, affiliates from the media and representatives of non-governmental organizations would have information concerning access to the vicinity of Headquarters. Similarly, on Thursday, 17 September 1998, permanent and observer missions had been advised at a security briefing that, in order to provide a tranquil atmosphere for the orderly movement of dignitaries visiting Headquarters, certain restrictions and modifications of traffic patterns would take effect during the session of the General Assembly. They had been informed also that the restrictions would affect the section of First Avenue directly in front of the Secretariat building during a 10-day period. To ensure that all delegations received proper protection and that the Headquarters district remained a safe venue for the conduct of meetings, a security plan had been implemented by the host country law-enforcement authorities. Unfortunately, there had been delays in permitting access by pedestrians and vehicles because of street closures, in particular because of the extended closure of First Avenue. He emphasized that the Security and Safety Service had held consultations with the competent authorities of the host country and had brought those concerns to their attention. The host country representatives had acknowledged that they were aware that the security measures would invariably entail some degree of inconvenience, resulting in uncertainty and delay. Discussions concerning measures to alleviate those difficulties would be ongoing so that better solutions could be found by means of close cooperation at all stages of

preparation and execution. The host country authorities had assured the Secretariat that they would do their utmost in the future to avoid delays and inconvenience in that area. With regard to the permanent and observer missions, every effort would be made in future to encourage the host country authorities to keep to an absolute minimum the unpredictable and inconvenient, or what might even be considered by some delegations the undignified, aspects of effective security operations. In the past, United Nations security guards had assisted the local security forces in granting access to the streets surrounding the Headquarters complex. In the current year, owing to staffing constraints, it had been decided to concentrate security within the Secretariat. That plan would be reassessed for the fifty-fourth session of the General Assembly. He further described some of the security precautions that had been taken in the North Garden area by local units in charge of inspection for hazardous material, and noted that host country law-enforcement units had assisted in bomb sweeps of meeting rooms. Fire and medical services had also been provided by the host country Government. As a reasonable and prudent security measure, the garage was emptied, checked and secured each year. After that, each vehicle entering the garage was searched and secured. Meetings were being held with host country security forces to resolve problems. He expressed the hope that alternative parking arrangements would be provided by the host country to take the pressure off the United Nations garage entrance. Concerning the functioning of the elevators, the Security and Safety Service had decided to limit access to the elevators during certain times. The situation would be reviewed to see if there were a solution that would meet the approval of the delegations. At times, street closures entailed that only police-escorted motorcades were allowed entry through the front gate; others must enter by the garage. The Security and Safety Service had raised that issue with the host Government in order to arrive at an appropriate solution. The Security and Safety Service would try to ensure that the instructions given to United Nations security officers were clear in the future and would do its best to ensure that the flow of information was improved.

19. The representative of Costa Rica said that her delegation would draw the attention of the Fifth Committee to the staffing problems of the Security and Safety Service of the United Nations. She could not understand how the Service could carry out its activities without adequate staff.

20. The representative of the United States observed that the mere fact that a car had a police escort would not be sufficient to secure entry through the main gate. The Security and Safety Service of the United Nations had required that all cars leave the garage so that it could be secured. Cars that went back into the garage would then be swept to maintain that security. He explained the difference between a motorcade, the vehicles in which were under host country law-enforcement protection, and a delegation that did not have that level of protection. If the head of delegation wanted to enter at 43rd Street, the car had to be searched. He recalled that that had not been a problem during the commemorative events for the fiftieth anniversary of the Organization, which had been attended by numerous heads of State and Government.

B. Acceleration of immigration and customs procedures

21. At the 195th meeting, the representative of Belarus drew the attention of the Committee to the problem his Mission had experienced owing to the refusal by the host country to grant visas to Belarus officials to attend United Nations-related meetings in the country. That action was a serious violation of the Headquarters Agreement. He called for an explanation from the host country authorities.

22. The representative of the United States said that the representative of Belarus had raised a very disturbing question. He asked for written information so that his delegation, which was not aware of the incident, could follow it up in due course. The subsequent reply of the host country (A/AC.154/324) revealed that the Belarusian officials in question had in fact been invited to New York by the Secretary-General of the Inter-Parliamentary Union, rather than by the United Nations. The provisions of the Headquarters Agreement therefore did not apply in that case.

C. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

23. On 15 September 1999, the Committee discussed the security arrangements undertaken by the host country in connection with the fifty-fourth session of the General Assembly.

24. The representative of the United States noted that, in 1998, the Committee had been seized of the issue of security procedures that had reportedly caused delegations and delegation members inconvenience during the opening days of the general debate. Therefore, it was considered

appropriate to brief the Committee on what the host country had done in an attempt to minimize disruptions during the fifty-fourth session of the General Assembly. She observed that, in order to provide a secure environment for the many heads of State and Government who would be in New York during the general debate, the United Nations Secretariat specifically had requested, pursuant to the United Nations Headquarters Agreement, the assistance of host country law-enforcement agencies and, in particular, of the United States Secret Service and the New York City Police Department. The United Nations had requested that, once the United Nations garage was emptied and searched, those agencies should ensure that the only vehicles coming into the United Nations complex were either those that had been inspected before entering the United Nations garage or those that had been previously cleared by the security services to use the 43rd Street entrance as part of protected motorcades. She acknowledged that those procedures would, to a certain extent, complicate access to the Headquarters district by automobile. Nonetheless, since the Organization was of the view that the special security measures were necessary and appropriate, the host country was prepared to support the request of the United Nations for assistance, consistent with its obligations to the Organization under the Headquarters Agreement. She pointed out that many Member States were also concerned with the security of their heads of State and Government while they were in New York for the general debate and had consequently asked the United States Secret Service to arrange protective details, including secure motorcades, for their high-level delegations. Other Member States with chiefs of delegation below the level of head of State or Government had asked the diplomatic security service to provide protection and motorcades. The security services had agreed to do so, again in order to carry out the obligations of the host country to Member States pursuant to the Headquarters Agreement and other applicable treaties and conventions. The movement of those motorcades might, for a matter of minutes, complicate both vehicular and pedestrian movement along their routes in the vicinity of the United Nations. She stressed that the security concerns of the Organization and of Member States must be taken seriously, even if the measures requested caused a certain amount of inconvenience. In order to minimize inconvenience and delays, the host country mission had suggested, and in some cases instituted, certain procedures designed to ease personal movements. Those procedures were set out in a circular note verbale that would be sent by the United States Mission to all other missions before the opening of the general debate. Other precautions had been taken by the Organization itself, including, notably, provisions to replenish the automated teller machines in the United Nations complex, which had been a particular complaint of some delegations in 1998. She further noted that those issues would also be discussed at a meeting to be chaired by the Security and Safety Service of the United Nations later that week and urged all delegations to participate in the meeting. In that regard, she observed with some alarm that only 15 delegations had attended a meeting which had been chaired by the United Nations security and protocol services the week before.

25. The representative of the United States emphasized that the security obligations of the host country to the Organization and to Member States must be met and expressed the hope that that could be done with a minimum of disruption for all. She reconfirmed that officers from both the United States Mission and the Protocol and Liaison Service and the Security and Safety Service of the United Nations would be available in the vicinity of the Headquarters complex to assist members of delegations and Secretariat staff members with movements insofar as possible.

26. The representative of the Russian Federation said that the information provided by the representative of the host country was very valuable and should be circulated in writing to all missions as quickly as possible and well in advance of the start of the general debate. With reference to the meeting on security matters, he noted that although it was regrettable that it had been attended by representatives of only 15 States, the obvious reason for that was that information about the meeting had not been properly communicated to all missions.

27. In response, the representative of the United States assured the Committee that the detailed information on security arrangements provided at the current meeting would be communicated to all missions the following day. As to the security meeting, she pointed out that the meeting had been organized by the United Nations and the information about it had been published in the United Nations *Journal* for a full week prior to the meeting.

28. The representative of Costa Rica expressed her appreciation to the United States delegation for the information provided by it and stated that it was very important for the information to be communicated to all missions in writing so that they would all be aware of the security arrangements.

29. The representative of the United Kingdom of Great Britain and Northern Ireland joined other representatives in expressing her thanks to the United States delegation for the very useful information it had provided. She noted that, according to that information, all cars, with the exception

of those that would be part of a motorcade and therefore would have been security-cleared, would have to enter the United Nations compound through the garage. As that might cause inconvenience for ambassadors who must frequently attend Security Council meetings, sometimes convened at a short notice, the United Kingdom representative inquired whether anything could be done to allow the ambassadors to enter the United Nations compound in the usual way, by going through the entrance at 43rd Street.

30. The Chief of the Security and Safety Service of the United Nations noted that another briefing on security arrangements would be arranged prior to the opening of the general debate and every effort would be made to ensure that all missions received the information about it as soon as possible. He stressed that representatives of the Security and Safety Service were ready to meet with the advance teams of individual delegations to clear up any questions they might have and to brief them on the security plan, including the evacuation plan and the plan for medical emergencies. With reference to the concerns expressed by some representatives regarding access to the United Nations compound, he pointed out that special security measures would be introduced only during the first three days of the general debate, namely on Monday, Tuesday and Wednesday. On those days, the New York City authorities and the United States Secret Service would close First Avenue during business hours or during a period from approximately 8 a.m. to 6 p.m. During that time, vehicles would not be able to get to First Avenue and 43rd Street. First Avenue and 42nd Street would be closed to all vehicles other than police-escorted motorcades. The only way to enter the United Nations complex on those days would be through the 48th Street garage entrance. The alternative route would be to come down 46th Street to First Avenue; at that point, the passengers could be dropped off and could walk in through the delegates' entrance at 45th Street and First Avenue, or delegates could proceed to 48th Street and enter the garage by car. The vehicle would undergo a security check and then be allowed to proceed to the delegates' entrance. In the light of those security arrangements, unfortunately, the vehicles of ambassadors would not be allowed to enter the United Nations compound through the entrance at First Avenue and 43rd Street. After three days, those restrictions would be lifted and the vehicles of the ambassadors would be allowed to enter through the 43rd Street entrance, as was the case throughout the rest of the year.

31. The representative of the New York City Commission for the United Nations, Consular Corps and Protocol informed the Committee that the Office of the Commission and the New York City Police Department had established hotlines, and missions could now obtain all necessary information and receive assistance 24 hours a day. Information about the hotlines would be circulated to all missions. During the three aforementioned days, there would be teams at key crossing locations, consisting of representatives of the host country law-enforcement agencies and the Security and Safety Service of the United Nations, to lend assistance to delegations. He also drew the attention of the Committee to the parking arrangements, pursuant to which the diplomatic and consular parking along 48th Street from First Avenue to the river would not be available during the general debate and until 3 October, owing to the necessity of having that street cleared. The City authorities would allow diplomatic and consular vehicles to park on both sides of First Avenue, north of 50th Street to just south of 56th Street. Diplomatic or consular vehicles parked in that area would not receive summonses.

32. The representative of Mali joined other delegations in thanking the host country for providing the information on security arrangements. He supported the request of the representative of the Russian Federation that the information on security briefings should be made available to missions well in advance of the briefings. He then referred to the question of passes for the fifty-fourth session of the General Assembly and complained that they had not been issued on time, in particular for motor vehicles. With reference to the security arrangements within the United Nations compound, he expressed the view that there should be no additional security checkpoints within the building and that delegates should be able to move about without additional restrictions among the various conference rooms or, for example, between the Delegates' Lounge and the Security Council Chamber. He further observed that, while the security services should be complimented on their work, there had been some unpleasant situations during the fifty-third session of the General Assembly, when some heads of State, prime ministers and foreign ministers had been prevented from moving through certain entrances and checkpoints. His delegation expressed the strong belief that there should be no further restrictions on movement within the United Nations building.

33. In response, the Chief of the Security and Safety Service of the United Nations observed that passes to the United Nations garage were issued by the United Nations garage administration. It was his understanding that passes for the fifty-fourth session of the General Assembly had already been issued. He would, however, determine if there had been any delays and what the reasons for them were. As to the security arrangements, he noted that the fifty-fourth

session would be attended by governmental representatives at the highest level. Some 65 heads of State and Government were expected to participate in the general debate and a large number of delegations would be represented at the ministerial level. Extraordinary security measures must be introduced in that regard in order to ensure the protection and safety of all delegations. Every effort was made to make those measures, which had been extensively discussed with the respective authorities of the host country, as reasonable as possible and to keep such measures in balance with the threat assessment associated with a meeting of that nature. He further informed the Committee that in order to assist delegations there would be a United Nations security and safety officer located at 45th Street and First Avenue, who would be joined by representatives of the United States Mission and the New York City authorities. In addition, there would be an officer located at 46th Street and Second Avenue to identify United Nations vehicles, as well as staff members and delegates who would be coming by car to the United Nations complex. The Security and Safety Service would also have sufficient staff located at 48th Street. In addition, a note would be sent advising all missions that if delegates were to have any difficulty in entering the complex, they should speak to officers who would be there to assist delegates arriving at the complex. Every effort had been made to minimize any problems that would be associated with such an event and also to resolve problems that had been experienced in 1998.

D. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues related thereto

34. At the 196th meeting, on 10 March 1999, the representative of the United States expressed his appreciation of the fact that the United Nations would now voluntarily deduct funds from salaries of staff members who were under a court order to provide support for spouses and children and failed to do so. For many years, the Committee had sought to reduce the indebtedness of the diplomatic community. While the United Nations had always encouraged its staff members to behave in a manner that reflected well on the Organization, a small number of staff, although not personally enjoying privileges and immunities, had used the immunity of the Organization to avoid their legal obligations. The decision to take deductions from the salaries and emoluments of staff who failed to meet their legal obligations would make a big difference, notably to women and children. The delegation of the United States applauded the Secretary-General for taking that decision.

E. Other matters

35. At the 196th meeting, the Chairman informed the Committee that, pursuant to General Assembly resolution 53/104, the President of the General Assembly, following consultations with the regional groups, had announced on 18 February 1999 that he had appointed Cuba, Hungary and the Libyan Arab Jamahiriya as members of the Committee. The Assembly had taken note of those appointments. At the 200th meeting, on 5 November 1999, the Chairman also informed the Committee that at the 46th plenary meeting of its fifty-fourth session the Assembly had taken note of the appointment of Malaysia by the President of the General Assembly as a new member of the Committee. The Committee at both meetings welcomed the newly appointed members.

36. At the 199th meeting of the Committee, on 27 October 1999, the representative of Cuba raised under the agenda item "Other matters" the issue of travel restrictions imposed by the host country on some permanent missions accredited to the United Nations. In resolution 53/104 the General Assembly had noted that the travel restrictions previously imposed by the host country on staff of certain missions and staff members of the Secretariat of certain nationalities remained in effect and requested the host country to consider removing such travel restrictions, and in that regard had noted the position of the affected States, of the Secretary-General and of the host country. The representative of Cuba observed that the host country, in total disregard of the above-mentioned resolution, continued to impose such restrictions on the staff of the Permanent Mission of Cuba to the United Nations and therefore the Mission had to bring the matter to the attention of the Committee. The matter had also been spelled out in detail in a note verbale dated 24 October 1999 from the Permanent Mission of Cuba addressed to the United States Mission, circulated as document A/AC.154/326 (see annex II to the present report). The representative stressed that the note referred only to some of the most significant cases where requests for permission to travel beyond the 25-mile limit presented by the Cuban Mission had been denied by the authorities of the host country without providing any explanation. Some of those requests had been submitted in connection with the participation of the members of the Cuban Mission in academic activities and meetings of the organizations of the United Nations system. That clearly affected the normal

functioning of the Permanent Mission of Cuba. He stated that denials of the requests for travel submitted by the Cuban Mission violated the letter and spirit of the Headquarters Agreement concluded between the United Nations and the United States and the 1975 Vienna Convention on the Representation of States in their Relations with International Organizations of a Universal Character to which Cuba was a party. Although the host country had not signed that Convention, Cuba believed that it should comply with its provisions as the Convention codified customary international law. The representative reiterated that his Mission had the right and the duty to express its objection to the unjustifiable and arbitrary attitude taken by the authorities of the host country against the Permanent Mission of Cuba, which was motivated by political considerations. He requested the authorities of the host country to comply with recommendations and decisions of the General Assembly regarding travel restrictions imposed on staff of some missions and staff members of the Secretariat of certain nationalities.

37. The representative of the Russian Federation reiterated a well-known position of his country that the practice of travel restrictions was discriminatory and ran counter to the fundamental instruments of international law. He observed that while article 26 of the 1961 Vienna Convention on Diplomatic Relations provided that States may establish restrictions on the entry into certain areas of their territory, article 47 of that Convention stated that in implementing the above provision the host country should not discriminate between States. He called once again upon the authorities of the host country to remove travel restrictions on the movement of diplomats of the missions concerned and on staff members of the Secretariat of certain nationalities.

38. The representatives of Iraq and China also urged the host country to remove the travel restrictions imposed by the host country.

39. The representative of the host country stated that the question of travel controls was one of the most complex issues faced by the Committee and that his Government therefore regarded the travel issue very seriously and had proceeded and would continue to proceed very carefully to implement those controls. Travel restrictions on personnel of certain missions and on staff members of the Secretariat of certain nationalities had been introduced for reasons of national security and were based on the applicable United States law. He emphasized that those restrictions did not apply to official United Nations or United Nations-related travel and that they were completely consistent with the obligations of the United States under the international treaties to which it was a party and, in particular, with the provisions of the Headquarters Agreement concluded between the United Nations and the United States. Under that Agreement the United States was required to provide free transit to and from the Headquarters district only. The United States Government remained committed to honouring and fulfilling its obligations as a host country and there was no contradiction between fulfilling such obligations and safeguarding the interests of national security. The host country was not in total disregard of the provisions of the relevant resolutions. The question of travel restrictions was continuously reviewed by the competent United States authorities in the light of changing situations and the United States Mission was currently studying some aspects of travel controls, which might or might not lead to their amendment. With regard to the specific complaints contained in the note of the Cuban Mission, he noted that they were being carefully reviewed and would be addressed in a reply note. He pointed out, however, that some of the requests referred to in the Cuban note were related to events which had been sponsored by third parties and were not, therefore, official United Nations meetings. In that respect, several officers at his Mission carefully researched every proposed denial of any travel request to confirm that the request in question did not pertain to official United Nations business.

40. The representative of Cuba also stated that the explanations provided by the representative of the host country regarding the travel restrictions on personnel of certain missions, including the Permanent Mission of Cuba to the United Nations, and on staff members of the Secretariat of certain nationalities were a restrictive interpretation of the legal instruments governing diplomatic privileges and immunities, in particular the Headquarters Agreement. The representative of Cuba further added that the United States Congress and other political institutions of the host country had recognized that the Republic of Cuba was not a threat to the national security of the United States. He reiterated that the travel restrictions imposed by the host country on the Cuban Mission personnel were motivated by political considerations only.

41. Also at the 199th meeting, under the agenda item "Other matters", the observer from Malaysia raised the question of housing problems faced by diplomats in New York. He noted that incidents had occurred in which diplomats were unable to rent an apartment because the management of the building was hesitant to rent apartments to diplomats. There were also cases where diplomats were requested to sign a letter revoking their immunity as a condition for renting an apartment. He appealed to the Committee to look into the problem and to take action on it.

42. In response, the representative of the host country said that the United States Mission from time to time had heard complaints about situations mentioned by the observer from Malaysia and had tried to deal with them on a case-by-case basis together with the New York City Commission. The well-known reason for those demands was the indebtedness of some members of the diplomatic community in the City. It was not possible at the current stage to assess the pervasiveness of the problem. It should first be studied by the Bureau of the Committee and by the Committee's Working Group on indebtedness.

IV. Recommendations and conclusions

43. At its 200th meeting, on 5 November 1999, the Committee approved the following recommendations and conclusions:

(a) The Committee welcomes the participation of Members of the United Nations and representatives of the Secretariat in its work and is convinced that its important work has been strengthened by the cooperation of all concerned;

(b) Considering that the maintenance of appropriate conditions for the normal work of the delegations and the missions accredited to the United Nations is in the interest of the United Nations and all Member States, the Committee appreciates the efforts made by the host country to that end and anticipates that all issues raised at its meetings, including those referred to below, will be duly settled in a spirit of cooperation and in accordance with international law;

(c) Considering that the security of the missions accredited to the United Nations and the safety of their personnel are indispensable for their effective functioning, the Committee appreciates the efforts made by the host country to this end and anticipates that the host country will continue to take all measures necessary to prevent any interference with the functioning of missions;

(d) The Committee notes the efforts made by the host country mission concerning the problem of parking of diplomatic vehicles and requests the host country to continue to take steps, in conjunction with the City of New York, to resolve this problem in order to maintain appropriate conditions for the functioning of the delegations and missions and missions accredited to the United Nations in a manner that is fair, non-discriminatory, efficient and consistent with international law, to bring to the attention of New York City officials reports from the diplomatic community about cases of discriminatory treatment against diplomats in order to ameliorate the situation and to promote compliance with international norms concerning diplomatic privileges and immunities, and to continue to consult with the Committee on these important issues. The Committee urges the host country to continue to bring to the attention of the appropriate city authorities the proposals made in its Working Group;

(e) Concerning travel regulations issued by the host country with regard to personnel of certain missions and staff members of the Secretariat of certain nationalities, the Committee continues to urge the host country to remove the remaining travel restrictions as soon as possible; in that regard, the Committee also notes the positions of the affected Member States, of the Secretary-General and of the host country;

(f) The Committee expresses its appreciation for the efforts of its Working Group concerning financial indebtedness, noting that this issue has also arisen in other host cities, and therefore requires a system-wide approach. In that regard, the Committee stresses the importance of permanent missions, their personnel and Secretariat personnel meeting their financial obligations;

(g) The Committee wishes to reiterate its appreciation to the representative of the United States Mission in charge of host country affairs and to the Host Country Affairs Section of the United States Mission to the United Nations, as well as to those local entities, in particular the New York City Commission for the United Nations, Consular Corps and Protocol, that contribute to its efforts to help accommodate the needs, interests and requirements of the diplomatic community and to promote mutual understanding between the diplomatic community and the people of the City of New York.

Annex I

List of topics for consideration by the Committee

1. Security of missions and safety of their personnel.

2. Consideration of and recommendations on issues arising in connection with the implementation of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations:

   (a) Entry visas issued by the host country;

   (b) Acceleration of immigration and customs procedures;

   (c) Exemption from taxes.

3. Responsibilities of permanent missions to the United Nations and their personnel, in particular the problem of claims of financial indebtedness and procedures to be followed with a view to resolving the issues relating thereto.

4. Housing for diplomatic personnel and for Secretariat staff.

5. Question of privileges and immunities:

   (a) Comparative study of privileges and immunities;

   (b) Convention on the Privileges and Immunities of the United Nations and other relevant instruments.

6. Host country activities: activities to assist members of the United Nations community.

7. Transportation: use of motor vehicles, parking and related matters.

8. Insurance, education and health.

9. Public relations of the United Nations community in the host city and the question of encouraging the mass media to publicize the functions and status of permanent missions to the United Nations.

10. Consideration and adoption of the report of the Committee to the General Assembly.

Annex II

List of documents

A/AC.154/322	Letter dated 6 November 1998 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General
A/AC.154/323	Letter dated 23 November 1998 from the Permanent Representative of Belarus to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/324	Letter dated 14 December 1998 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/325	Letter dated 28 December 1998 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Assistant Secretary-General for Legal Affairs
A/AC.154/326	Note verbale dated 24 October 1999 from the Permanent Representative of Cuba to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/327	Letter dated 5 November 1999 from the Minister Counsellor for Host Country Affairs of the United States Mission to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/328	Letter dated 3 November 1999 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the Chairman of the Committee on Relations with the Host Country
A/AC.154/INF/4	Letter dated 20 April 1999 from the Chairman of the Committee on Relations with the Host Country addressed to the permanent missions of Members and of observers to the United Nations

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